

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2410 OF 2007

Kalyan Dombivli Municipal Corporation ... Petitioner

V/s

Shri Ram Tukaram Gaikwad ... Respondents

Mr. A.S. Rao for the petitioner.

None for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH AUGUST, 2007.

P.C.:

1. This petition challenges the order of the Industrial Court passed in Complaint (ULP) No. 9 of 2007 by way of an interim relief.

2. The complainant, the respondent herein, was appointed on probation on the post of Assistant Traffic Inspector. However, according to him, he was not paid increments in accordance with the appointment letter issued to him nor was he confirmed despite having completed 240 days in service. A complaint has been filed under Items 5, 6, 9 and 10 of Schedule IV of the M.R.T.U. & P.U.L.P. Act by the respondent.

3. On 22.6.2007, this Court had stayed the order of the Industrial Court to the extent that it has directed the release of increment of the complainant in accordance with the appointment letter. This order was passed because in a similar complaint, being Complaint (ULP) No. 48 of 2007, the Industrial Court had refused the interim relief. That complaint has been withdrawn on 14.8.2007. Hence, it is only the orders passed against Complaint (ULP) No. 9 of 2007 which will be relevant.

4. The learned advocate for the petitioner submits that the respondent has not been appointed on sanctioned post and, therefore, increments cannot be released to him. He also submits that the Industrial Court erred in granting final relief to the workman.

5. In my opinion, the submission that the Industrial Court has granted final relief cannot be accepted. Besides the release of increments which is prayed for in the complaint, several other prayers are sought by the respondent. The submissions of the learned advocate for the petitioner are without merit. The order of the Industrial Court is an interim order which need not be interfered with. Prima facie, it appears that the increments must be paid to the workman in view of

appointment letter issued to him, which fix their wages in a time scale. Annual increments would thus be payable to the respondent, prima facie.

6. In such circumstances, petition is rejected.

7. Mr. Rao, learned advocate for the petitioner seeks stay of this order. Stay refused.

.....